DOCKET FILE COPY ORIGINAL

#### Law Offices

## HALEY BADER & POTTS P.L.C.

4350 NORTH FAIRFAX DR., SUITE 900 ARLINGTON, VIRGINIA 22203-1633 Telephone (703) 841-0606 Fax (703) 841-2345 E-MAIL: haleybp@haleybp.com

DIRECT DIAL (703) 841-3935 E-MAIL ADDRESS lshubert@haleybp.com

LEE W. SHUBERT ADMITTED IN VA & DC

April 18, 1997

Federal Communications Commission

Office of Secretary

OUR FILE NO. 0886-105-63

The Honorable John M. Frysiak Administrative Law Judge **Federal Communications Commission** 2000 L Street, NW **Room 223** Washington, DC 20554

RE:

File No. BRH-910327YD

MM Docket 96-221

Radio Station KZAL(FM)

Desert Center, CA

Dear Mr. Frysiak:

Transmitted herewith, on behalf of Desert Broadcasting Corporation, is an original and six copies of its Motion to Continue Procedural Dates in the above-referenced proceeding.

Should further information be necessary regarding this matter, kindly communicate directly with this office.

Lee W. Shubert

Enclosures (7) LWS/blr

> No. of Copies rec'd List ABODE

## ORIGINAL

Before The

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In re Application of	DOCKET No. MM 96-221
DESERT BROADCASTING CORPORATION	File No. BRH-910327YD
For Renewal of License for Station KZAL(FM) Desert Center, California	APR 1 8 1997  Federal Communications Commission Office of Secretary

To: The Honorable John M. Frysiak Administrative Law Judge

# MOTION TO CONTINUE PROCEDURAL DATES

Desert Broadcasting Corporation ("Desert"), by its attorneys, hereby respectfully requests continued deferral of the procedural dates in the above referenced proceeding. In support thereof, the following is respectfully shown:

- 1. By *Order* (FCC 96M-267), released December 12, 1996, the Presiding Administrative Law Judge ("ALJ") established a procedural schedule respecting the above-referenced application. By an Order (FCC 97M-20) issued on February 18, 1997, and released on February 20, 1997, the ALJ suspended the procedural dates by sixty (60) days, thereby suspending the March 12, 1997, hearing date.
- 2. Desert has reached an agreement to sell KZAL to Worldwide Multi-Media Broadcasting Company, A California Corporation ("Worldwide") pursuant to the Commission's Distress Sale Policy. This

agreement was reported to the ALJ in a Status Report submitted to him on January 14, 1997.

- 3. On February 14, 1997, an application for consent to assignment of the license (FCC Form 314) for KZAL to Worldwide (the "Assignment Application") was filed with the Commission. That application remains pending. On March 10, 1997, the application was supplemented by a "Petition for Relief under the Distress Sale Policy," a joint request by Desert and Worldwide for authority to invoke the Commission's Distress Sale Policy. Processing of the application has been complicated by the death on March 6, 1997, of Desert's president, Wolfram J. Dochtermann. Once matters are straightened out concerning Mr. Dochtermann's estate, it will be necessary for Desert to file, and for the Commission to process, an application (FCC Form 316) for involuntary transfer of control of Desert. Only after that occurs can the Commission complete the processing of the Assignment Application.
- 4. In consideration that the distress sale agreement, if authorized, will moot the necessity for a hearing respecting Desert's renewal application, it is respectfully requested that the procedural dates respecting the above-captioned proceeding be suspended for an additional sixty (60) days.
- 5. Counsel for Desert has conferred and coordinated with counsel for the Mass Media Bureau regarding this motion. Moreover, Worldwide has authorized the undersigned to represent that they consent to this request.

**WHEREFORE**, the premises considered, it is respectfully requested that the procedural dates in this proceeding be continued for an additional sixty (60) days to permit review and consideration of the

Assignment Application and the "Petition for Relief under the Distress Sale Policy."

Respectfully submitted,

DESERT BROADCASTING

CORPORATION

Lee W. Shubert

Its Attorneys

## HALEY BADER & POTTS P.L.C.

4350 North Fairfax Drive, Suite 900 Arlington, VA 22203-1633

Tel: 703/841-0606 Fax: 703/841-2345

April 18, 1997

### CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Motion to Continue Procedural Dates was mailed this date by First Class U.S. Mail, postage prepaid, to the following:

Administrative Law Judge John M. Frysiak 2000 L Street N.W., Room 223 Washington, D.C. 20036

James Shook, Esquire Federal Communications Commission Mass Media Bureau, Hearing Branch Room 8202 2025 M Street N.W. Washington, D.C. 20554

and

David E. Honig, Esquire
Law Office of David E. Honig
3636 16th Street, N.W.
Suite B-366
Washington, DC 20010
Counsel for Worldwide Multi-Media
Broadcasting Company

Barbarn & Rascon

April 18, 1997